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paucity of testimony. It is just at this point, however, that we should be glad of additional light. The relation of these communities to those described by Von Maurer and Haxthausen in Germany, and by Nasse and Maine in England ; how far they were recognized by the law ; what class of the peasantry belonged to them, — these and similar questions, which present themselves as one reads the chapter, find no sufficient answer in it. Indeed, it is a good example of what we have pointed out as the chief defect of the book, that this important topic is reserved for a kind of appendix, rather than introduced where it belongs, as a part of the social organization of the Middle Ages.

5. — *La Religion Romaine d'Auguste aux Antonins.* Par GASTON BOISSIER. Paris : Librairie Hachette et Cie. 1874. 2 vols. 8vo.

THE religious history of the ancient Romans falls into two very distinct epochs. The first is that of their native faith, a very peculiar and characteristic one, of course more or less affected by external influences, but still in the main an original growth of the Roman mind. With the powerful intellectual influence exerted by contact with the Greeks in the second century before Christ, there came a remarkable transformation. The Greek theology was not consciously and voluntarily substituted for the Roman : there was no thought of introducing new beliefs and ceremonies in place of the old, or even of adding anything admittedly foreign ; but the two religions were deliberately identified. Every Greek divinity, it was thought, must have his counterpart in the Roman pantheon ; and where this counterpart could not be readily recognized, some pains and ingenuity were exerted to make out an identity. Jupiter was clearly enough Zeus ; Minerva possessed the most striking attribute of Athena ; Neptune and Vulcan were at once seen to be the same as Poseidon and Hephæstos : but it was only by a very liberal construction that they could find a representative for Aphrodite in Venus, and for Dionysos in Liber. For Apollo and some of the lesser divinities there was no attempt made to find an equivalent.

Now the peculiarity of this identification was that a system of most attenuated personalities — almost pure abstractions — was brought in connection with a set of gods who were completely individualized, as thoroughly human in their attributes as their worshippers themselves. As the process did not consist in introducing or substituting Greek deities, but was simply one of identification, it followed that the human attributes of the anthropomorphized Greek gods were in-

grafted upon the abstractions which the Romans called gods. The Romans came actually to believe that their stern and just Jupiter had been guilty of the cruelties, frauds, and amours which the Greek poets related of their Zeus. The revolution thus effected in the Roman religion was far greater than any other which it experienced until itself supplanted by Christianity. Its form and nomenclature were unaltered, but its character was totally changed. It was the Greek religion under Roman names.

It is only the second of these periods that comes within the scope of M. Boissier's work. At the accession of Augustus the transformation of the Roman religion had been completely effected; it was from the poets of the age of Augustus that modern writers have derived that medley, under the name of Mythology of the Greeks and Romans, to which Greece contributed substance and Rome nomenclature and final shape. It does not come in his way, therefore, to speak much of the process of transformation, still less of the Roman religion before the transformation; he has given us an admirable account, based upon genuine scholarship, and characterized by genuine French elegance, of the religion of Rome as it existed in this period, and more particularly at the two epochs which mark its commencement and close, — the reign of Augustus and that of the Antonines. The whole first book is devoted to the reign of Augustus, Virgil being in this part the special object of attention; the second book treats of the religion and philosophy of the reigns following that of Augustus, and here Seneca is the most prominent figure; the third book is more general, describing society in the time of the Antonines, — the upper classes, the lower classes, the women, and the slaves.

There is, however, a short introduction of seventy-five pages upon the Roman religion in general, and its condition at the close of the Republic; and in the first of these chapters, the author touches slightly upon the peculiar character of the native Roman religion, before its fusion with the Greek. This chapter is excellent, like the rest of the book; but we are inclined to differ from the view taken by the author of the fundamental conceptions of the Roman religion. He is no doubt correct in taking the gods of the *Indigitamenta* as especially typical of these conceptions. Other countries, he says, have experienced, as well as the Romans, "the need of placing the principal acts of life under the divine protection, but in most cases well-known, powerful, familiar [*éprouvés*] gods have been chosen for this office, in order that their succor might be efficacious. It is the great Athena, the shrewd Hermes, whom the Greeks invoked, in order that the child might become clever and wise. At Rome

special deities were preferred, who were created for this very purpose and have no other use; there is the one who causes the infant to raise his first cry (*Vaticanus*), and the one who causes him to pronounce his first word (*Fabulinus*); both of these have no other function, and are invoked only on this occasion" (Vol. I. p. 4), etc. Then he goes on to interpret these gods of the *Indigitamenta* as, not distinct deities, but only special functions of "the divinity in general, the heavenly father, *divus Pater*." "Thus this god *Vaticanus* and this god *Fabulinus*, of whom we have just spoken, would be nothing but the divinity itself, taking upon itself to watch over the first cries and the first words of a child." (p. 6.)

This appears to us to be a complete inversion of the correct view. The gods of the *Indigitamenta* were not derived from the gods of heaven, but, on the other hand, the great Roman gods were derived from deities of precisely the nature of those of the *Indigitamenta*; as, for instance, Liber, Libera, Libitina, Lucina, and Murcia, probably also Saturnus, belonged primarily to this series, and were only by degrees advanced to the rank of personal gods. The question here raised is, to be sure, the old controverted point, whether polytheism is derived by a process of development from fetichism, or by a process of degeneracy from a primitive monotheism. We hold decidedly to the former view.

M. Boissier calls attention (p. 8) to certain remnants of fetichism which survived in the Italian religion, — "here it is under the form of a lance planted in the ground that they adore the god Mars, elsewhere a simple stone represents the great Jupiter," — explaining them from the incapacity of the Roman to form a distinct conception of his gods, on which account he was obliged to symbolize them in this way. But surely this is a very one-sided interpretation of these fetichistic features, which, by the way, are found in the Greek and even in the Hebrew religion, as well as the Roman. They do not belong to the Roman religion in the stage of development at which we know it, but is a survival of an earlier period. With the Egyptians and Assyrians the fetichistic element assumed animal forms; they advanced to the conception of personal gods, but these personal gods were only half anthropomorphized, and carried round the heads of cats, dogs, and birds upon human bodies. The Greeks and Romans, on the other hand, left fetichism completely behind them, only retaining certain fragments, with symbolic associations, like those mentioned above. Both nations alike outgrew the low conception of a special deity for every act and process of nature; nevertheless this conception was the source from which the higher and more scientific

idea was derived, and certain features of this lower form of belief were still retained. But the religion of both Greeks and Italians marked distinctly a step towards scientific precision. Acts and processes were classified and grouped, and assigned to appropriate gods; they had not yet advanced so far in scientific conceptions as to assign all to one and the same divine power; it was a great step to analyze them, classify them, and distribute them among a limited number of divinities with specified powers, instead of an infinity of momentary and local divinities.

At this point the Greeks and Romans diverged. Each had created a certain number of gods, each of whom possessed limited and specific functions. The Greeks now, with their marvellous poetic imagination, proceeded to invest these gods with a really human personality. The gods and goddesses of the Greek Olympus may have each been marked by a higher degree of such and such a quality, so that Athena is called the goddess of wisdom, Ares of war, Poseidon of the sea; but they were no more than men and women mere bundles of qualities. Athena is the tutelary deity of Athens, Ares had a love-affair with Aphrodite, Poseidon built the walls of Troy; all three take an active part in the Trojan war, and are as completely human as Hector and Achilles, in complexity as well as limitation of character. Their very names have lost all suggestive power, and might equally well be those of men and women.

The Romans, on the other hand, stopped short of the anthropomorphic stage, — hardly going further in it than to individualize their deities by masculine and feminine appellations, which are almost always as descriptive of their functions as those of the Greeks are the reverse. Their gods are no mixture of qualities; Jupiter is always *optimus maximus*, Vulcan is nothing but fire, Ceres nothing but the earth. We do not deny that there is a certain mixture of characteristics in some of the Roman deities, — the rural deities in particular. Faunus and Silvanus, for instance, approach, although at a distance, the character of the Greek divinities. But in general the Roman gods and goddesses are as purely abstractions as Faithful and Hopeful, Mr. Byends and Mr. Facing-both-ways. From this arise the peculiar characteristics of Roman mythology, and what we have called its essentially scientific character, as compared with that of any other ancient nation.

The two most marked characteristics of the Roman theology are their fondness for deifying abstract qualities, and their readiness to conceive a special god for special acts of great importance. The first of these is a clear illustration of the point we have been mak-

ing. The temples to Honor, Virtus, Pavor, and Pallor, Fortuna and Pudicitia, illustrate that capacity of generalizing, and of reducing all actions to law, which all admit to be a marked characteristic of the Romans. The second is a relic of the lower stage, represented by the gods of the *Indigitamenta*, who are themselves intermediate between fetichism and polytheism. Ajus Locutius, who warned of the approach of the Gauls; Deus Rediculus, who caused Hannibal to turn back, — gods like these are but a step beyond the fetich.

The rest of the chapter under consideration is excellent in every way; especially that portion of the second section which treats of the relation of Church and State in ancient Rome. This is in general a development of Cicero's eulogy upon the founders of the state for placing the religious and political functions in the same hands. We will add that this wisdom consisted especially in the point that the state religion was administered by statesmen, rather than the commonwealth by priests; in this lies the great contrast between the civilization of Egypt and that of Greece and Rome, or, to take an example from our own time, between the State religion of modern Rome and that of England.

6. — 1. *Paul Laband. Die vermögensrechtlichen Klagen nach den sächsischen Rechtsquellen des Mittelalters.* Königsberg.

2. *Heusler. Die Beschränkung der Eigenthumsverfolgung bei Fahrhabe und ihr Motiv im deutschen Recht.* (*Festschrift zu Homeyer's fünfzigjährigem Doctorjubiläum.*) Basel. 1871.

IN a recent number of this Review * an attempt was made to describe the earliest German legal procedure, as it has been explained by the labors of recent German jurists. One branch of this procedure concerns what is there called the vindication of personal property, and is, in the history of modern law, by no means the least interesting. The works above cited furnish the means of continuing the investigation down through the difficult and confused period of the Middle Ages, so far as concerns Germany; although in order to offer a complete evolution of the law in all the continental countries which felt the influence of Germanic institutions, it is necessary that the reader should pursue some further investigations into the old French and Norman sources. By doing so, one may easily embrace the entire development of an important branch of law both in Ger-

* See the North American Review for April, 1874. Thévenin. Procédure de la Lex Salica: Traduction de l'Allemand de Rudolf Sohm.